

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DOROTHY TONEY-ACON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:08CV1229 RWS
)	
CITY OF UNIVERSITY CITY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

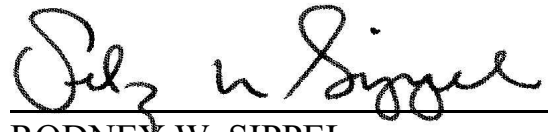
Plaintiff alleges that defendant discriminated against her in violation of Title VII and the ADEA. Title VII provides, in pertinent part, that a court may appoint counsel to represent a plaintiff under “such circumstance as the court may deem just.” 42 U.S.C. § 2000e-5(f)(1). Because a civil litigant has no constitutional or statutory right to court-appointed counsel, the decision whether to make an appointment is within the Court's discretion. See Sours v. Norris, 782 F.2d 106, 107 (8th Cir. 1986) (per curiam). The factors that are relevant to the Court’s decision are whether: (1) the plaintiff can afford to hire an attorney; (2) the plaintiff has made a good-faith effort to retain an attorney, but has been unable to do so; (3) there is some factual basis for the plaintiff’s lawsuit; and (4) the nature of the litigation is such that the plaintiff and the Court would benefit from the assistance of counsel. See Slaughter v. Maplewood, 731 F.2d 587, 589 (8th Cir.

1984); Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1005 (8th Cir. 1984).

Plaintiff meets the first factor because she has been granted in forma pauperis status. However, plaintiff has not explained her efforts to secure counsel, and at this time the Court does not believe that plaintiff's allegations warrant the appointment of counsel. Finally, the Court concludes that the assistance of counsel is unnecessary for the benefit of plaintiff and the Court at this time. For these reasons, the motion for appointment of counsel will be denied. However, this denial is without prejudice to plaintiff's right to file another motion for appointment of counsel at a later time. Any such motion should explain plaintiff's efforts to secure counsel and how she would benefit from the assistance of counsel.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to appoint counsel [#3] is denied without prejudice.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 21st day of November, 2008.